

REMARKS

Claims 1-22 remain pending in the application.

Claims 1, 2, 4-10, 12-15, 17, 19 and 21 over Mangold in view of Miliani

In the Office Action, claims 1, 2, 4-10, 12-15, 17, 19 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,668,324 to Mangold et al. ("Mangold") in view of U.S. Patent No. 5,682,426 to Miliani et al. ("Miliani"). The Applicant respectfully traverses the rejection.

Claims 1, 2 and 4-7 recite a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled. Claims 8, 9 and 17 recite scrambling a first central portion of a data payload of some of a plurality of data packets within a data packet stream. Claims 10, 12-15, 19 and 21 recite scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1.

Thus, claims 1, 2, 4-10, 12-15, 17, 19 and 21 recite scrambling and descrambling some of a plurality of data packets.

The Examiner acknowledged that Mangold fails to teach a digital data stream wherein some of a plurality of data packets within the digital data stream are scrambled (See Office Action, page 3). The Examiner relies on Miliani at col. 15, lines 7-15 to allegedly make up for the deficiencies in Mangold to arrive at the claimed features. The Applicant respectfully disagrees.

Miliani at col. 15, lines 7-15 appears to disclose a method of allowing providers of premium channels, such as HBO, to block reception thereof. To accomplish this task, an interdiction device is used to selectively scramble television channel signals from within the block of locally decrypted channel signals (see Miliani, col. 15, lines 12-15). Thus, Miliani simply discloses selectively scrambling of certain premium channels such as HBO, without any disclosure of reliance on packetized information. Miliani fails to disclose or suggest scrambling some of a plurality of data packets within a digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

The Examiner alleges that Miliani's premium channels equates to the claimed packets (see Office Action, page 3). However, a television channel is a medium in which packets of data would be transmitted within. Thus, a premium channel is **NOT** a packet of data, a **term of art**, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

Thus, even if it were somehow obvious to modify Mangold with the disclosure of Miliani, which it is not as discussed below, the theoretical result would be a system and method of safeguarding data within a device such as a computer (see Mangold, col. 1, lines 6-25) through encryption of resync blocks (see Mangold, Fig. 7) and encryption of premium television channels such as HBO (see Miliani, col. 15, lines 12-15). Mangold modified by the disclosure of Miliani fails to disclose or suggest scrambling and descrambling **some of a plurality of data packets**, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

Moreover, Mangold modified by Miliani is **nonsensical**. Mangold is directed toward encryption of information being transmitted within a computer. Miliani is directed toward encryption of television channels. Since components within a computer **do not watch television**, modifying Mangold to encrypt television channels within a computer is **nonsensical**.

For these and other reasons, claims 1, 2, 4-10, 12-15, 17, 19 and 21 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Moreover, withdrawal of the improper finality of the Office Action is respectfully requested.

Respectfully submitted,



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